



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RB
F.#2010R00826

271 Cadman Plaza East
Brooklyn, New York 11201

November 9, 2010

By ECF and Hand Delivery

The Honorable Jack B. Weinstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Kenneth Marsh
Criminal Docket No. 10 CR 480 (JBW)

Dear Judge Weinstein:

The government writes to respectfully request that the above-captioned defendant's bail revocation hearing take place tomorrow.

As the Court is aware, at a status conference on October 20, 2010, the government informed the Court that it had recently discovered information that strongly suggested that the defendant was engaging while on supervised release in criminal conduct very similar to that with which he is charged. The Court immediately scheduled a bail revocation hearing for November 5, 2010. On November 1, 2010, defense counsel requested that the hearing be moved so that he could attend a family party. The Court granted the request without objection from the government. Yesterday, the Court informed the parties that it could not hold the hearing today as scheduled, and proposed that it be moved to tomorrow, November 10. Defense counsel then stated that he could not attend because he would be appearing in Court all day in New Jersey.

Since the October 20 status conference, the government has determined that the defendant did, indeed, continue to commit crime while on supervised release and has submitted a letter detailing that conduct to the Court. Given this proffer, the defendant is deemed a danger to the community and it is presumed that no conditions of supervised release are adequate to protect the public from him. 18 U.S.C § 3148(b). For this reason, the government requests that the Court continue in its initial plan to set the hearing for tomorrow. If defense counsel is indeed

unavailable to appear all day, undoubtedly one of the other 200 attorneys at his firm can appear.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
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cc: Fred Schwartz, Esq.